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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,573	08/26/2003	Greg Pakieser		3257

7590

07/01/2005

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/647,573

Applicant(s)

PAKIESER, GREG

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller (4921257). Heller discloses two bottom aperture goals. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the goal of Heller with only the upper aperture goals in order to train the player primarily to shoot goals high. The number and placement of the aperture goals is a design choice it is an obvious variation to choose from 1-4 goal openings.

As to claim 2: Heller discloses a net ( fig 1).

As to claim 3: Heller discloses square net openings ( fig 1). The specification provides no unexpected results in using polypropylene cords . It would have been obvious to one of ordinary skill in the art to have selected an appropriate material for the net based on cost and design considerations.

As to claim 4: Heller discloses square net openings ( fig 1). The specification provides no unexpected results in five inch by five inch openings . It would have been obvious to one of ordinary skill in the art to have selected net openings of an appropriate size based on cost and design considerations.

As to claims 5,6, and 7: Heller discloses a target opening ( fig 1). The specification provides no unexpected results in using the target openings cited. It would have been obvious to one of ordinary skill in the art to have selected appropriately sized openings based on ball size, cost and design considerations.

As to claim 9 : See claim 1 rejection.

As to claim 10: Heller discloses a target opening ( fig 1). The specification provides no unexpected results in using the target openings cited. It would have been obvious to one of ordinary skill in the art to have selected appropriately sized openings based on ball size, cost and design considerations.

Also,

Claims 1,2,3,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters (D449084). Walters discloses two bottom aperture goals. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the goal of Walters with only the upper aperture goals in order to train the player primarily to shoot goals high. The number and placement of the aperture goals is a design choice it is an obvious variation to choose from 1-4 goal openings.

As to claim 2: Walters discloses a net ( fig 1).

As to claim 3: Walters discloses square net openings ( fig 1). The specification provides no unexpected results in using polypropylene cords . It would have been obvious to one of ordinary skill in the art to have selected an appropriate material for the net based on cost and design considerations.

As to claim 9 : See claim 1 rejection.

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As to claim 10: Wallers discloses a target opening ( fig 1). The specification provides no unexpected results in using the target openings cited. It would have been obvious to one of ordinary skill in the art to have selected appropriately sized openings based on ball size, cost and design considerations.

Also,

Claims 1-3,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samaras (3887181) in view of Matheson et al (6264572). Samaras discloses the elements of claim 1, however it fails to clearly disclose the use of a goal. Matheson discloses the use of a goal. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the goal of Matheson with the apparatus of Samaras in order to simulate a real practice area and increase the satisfaction of the user.

As to claim 2: Samaras discloses a net ( fig 6).

As to claim 3: Samaras discloses square net openings ( fig 6). The specification provides no unexpected results in using polypropylene cords . It would have been obvious to one of ordinary skill in the art to have selected an appropriate material for the net based on cost and design considerations.

As to claim 9 : See claim 1 rejection.

As to claim 10: Samaras discloses a target opening ( fig 1). The specification provides no unexpected results in using the target openings cited. It would have been obvious to one of ordinary skill in the art to have selected appropriately sized openings based on ball size, cost and design considerations.

Also,

Claims 1-2,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guenette et al (D309486) in view of Matheson et al (6264572). Guenette discloses the elements of claim 1, however it fails to clearly disclose the use of a goal. Matheson discloses the use of a goal. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the goal of Matheson with the apparatus of Guenette in order to simulate a real practice area and increase the satisfaction of the user.

As to claim 2: Guenette discloses a net ( fig 1, abstract).

As to claim 9 : See claim 1 rejection.

As to claim 10: Guenette discloses a target opening ( fig 1). The specification provides no unexpected results in using the target openings cited. It would have been obvious to one of ordinary skill in the art to have selected appropriately sized openings based on ball size, cost and design considerations.

#### ***Allowable Subject Matter***

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4921257\* D309486\*3887181\*6264572\* D449084

Michael Chambers  
Examiner  
Art Unit 3711

June 29, 2005

  
GREGORY VIDOVICH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700